

**STATE OF MISSOURI, ex. rel.
ERIC SCHMITT,
ATTORNEY GENERAL,**

V.

Case No. _____

**ANGELA NOLAND AND
DANNY NOLAND D/B/A
LITTLE BIT RANCH,**

**VERIFIED APPLICATION FOR TEMPORARY
RESTRAINING ORDER WITHOUT NOTICE**

INTRODUCTION

Angela Noland and Danny Noland are unlicensed commercial dog breeders doing business as Little Bit Ranch in Unionville, Sullivan County, Missouri. As of January 15, 2020, Defendants had approximately 53 dogs on the property. Since August 12, 2019, the Missouri Department of Agriculture (“Department”) has undertaken eight inspections of Defendants’ facility and noted approximately 50 violations of the Animal Care Facilities Act, including inadequate and unclean facilities, failure to provide adequate food and water, rusted fencing, sharp points in shelters, and failure to provide veterinary care. As of January 31, 2020, Defendants are operating without a license. Plaintiff seeks a permanent injunction and civil

penalties to prevent continuing and future violations of the Animal Care Facilities Act and Canine Cruelty Prevention Act.

LEGAL AUTHORITY

1. The Missouri Animal Care Facilities Act (ACFA) and Canine Cruelty Prevention Act (CCPA) were enacted to protect the public and their pets by ensuring that licensed commercial dog breeders in Missouri provide animals with adequate food, water, shelter, and veterinary care.

2. If a licensed breeder does not follow the requirements of the law and poses a substantial, ongoing risk to the health and welfare of the animals, the ACFA and CCPA authorize the Department of Agriculture and the Attorney General to seek relief in court pursuant to section 273.335 RSMo.

3. In the face of the ACFA and CCPA's mandate of animal welfare, Defendants have subjected animals to inhumane conditions and persistently failed to correct violations cited under the ACFA and CCPA.

4. The Attorney General and the Director of the Department of Agriculture filed a lawsuit on May 15, 2020 on behalf the State of Missouri to enforce the ACFA and CCPA, hold Defendants responsible for their violations of the law, and ensure that the animals at Little Bit Ranch receive necessary food, water, shelter, and veterinary care.

5. Pursuant to section 273.347.1 RSMo, injunctive relief is available whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 RSMo have occurred and have not been corrected or

addressed, including operating without a valid license under section 273.327. Section 273.327 RSMo, makes it unlawful for any person to operate a commercial breeding operation without a license from the Department.

6. ACFA Regulation 2 CSR 30-9.020(1)(R) requires operators whose licenses automatically lapse to not conduct any activity for which a license is required by ACFA until all requirements for issuing a license have been met, and a valid license has been issued.

7. Under section 273.325(8), RSMo, and 2 CSR 30-9.010(2)(R), a commercial breeder is a “person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale.”

8. Defendants are subject to the requirements of the ACFA because they possessed a license issued by the Department under the ACFA and they meet the definition of a “commercial breeder” in section 273.325.2(8), RSMo, and 2 CSR 30-9.010(2)(R). In addition, Defendants are subject to the CCPA because they meet the definition of a “person” who has “more than ten female covered dogs” under section 273.345, RSMo.

9. Pursuant to Mo. Rule Civ. P. 92.02(a)(1), injunctive relief in the form of a Temporary Restraining Order may be obtained if Plaintiff establishes that immediate and irreparable injury, loss, or damage will result in the absence of relief.

10. No bond is required where the Application for a Temporary Restraining Order is filed by the State on its own behalf. *See* Mo. Rule Civ. P. 92.02(d).

FACTUAL BACKGROUND

11. On May 15, 2020, Plaintiff filed its Petition for Temporary Restraining Order, Preliminary and Permanent Injunction and Civil Penalties in this matter alleging violations of the Animal Care Facilities Act and its implementing regulations. *See* Exhibit A.

12. Since January 31, 2020, Defendants have operated their facility without a license from the Department. *See* Exhibit B.

13. Between August 12, 2019 and April 20, 2020 the Department has undertaken eight inspections of Defendants' Facility, including one focused inspection. *See* Exhibits C–J.

14. Between August 12, 2019 and April 20, 2020, Defendants have violated the Animal Care Facilities Act and its implementing regulations approximately 50 times. *See* Exhibit C–J.

15. The eight inspections demonstrated that Defendants' facility had inadequate shelter; unsanitary enclosures with an excess accumulation of feces and food waste; dogs suffering due to inadequate or untimely veterinary care, including multiple instances of dogs with loose, sometimes bloody stool, matted fur, severe eye infections, and other health issues; sharp, rusted points in animal enclosures; living spaces that were too small and that did not contain adequate flooring; food receptacles

that contained mold, caked food, and even a maggot; and Defendants have repeatedly failed to provide access to potable unfrozen water. *See* Exhibit C–J.

16. Notice to Defendants would defeat the purpose of the Temporary Restraining Order, because notice would provide Defendants with the opportunity to hide or remove animals in Defendants’ possession or control.

17. A temporary restraining order and preliminary injunction are needed to allow the Department to accurately secure and inventory the total number of animals located at the facility, and to assess the condition and welfare of the animals.

18. Additionally, Defendants are currently engaged in a divorce proceeding; *In Re The Marriage Of: Danny Lee Noland and Angela Marie Noland*, 19SU-DR00019, where the dogs at Defendants’ facility are considered communal property and Defendants are enjoined from selling or transferring any of the dogs. The divorce case is set for an emergency hearing on May 19, 2020 where, upon information and belief, Defendants intend to take up the issue of selling, trading, bartering, brokering, adopting, giving away, or transporting the dogs at their facility.

19. Upon information and belief, Defendants intend to retain some of the dogs at their facility. Defendants, however, do not have an ACFA license and are prohibited from harboring more than three intact female dogs.

20. Because Defendants have engaged in, and are likely to continue to engage in, acts and practices deemed unlawful by the Animal Care Facilities Act and its implementing regulations, immediate and irreparable injury, loss, or damage is likely to result in the absence of relief.

WHEREFORE, the State of Missouri asks this Court for a Temporary Restraining Order granting the following relief:

- A. Issuing a temporary restraining order barring Defendants from the acquisition of any additional dogs or cats at its facility and prohibiting Defendants from selling, trading, bartering, brokering, adopting, giving away, or transporting any animals from its facility, except for the purposes of veterinary evaluation or treatment, to any *unlicensed* persons or facilities;
- B. Ordering Defendants to sell or give away the dogs at Defendants' facility to *licensed* persons or facilities so as to bring the number of dogs at Defendants' facility to no more than three intact female dogs;
- C. Ordering Defendants' to grant immediate and unrestricted access to personnel or inspectors from the Missouri Department of Agriculture's Animal Care Program for the purpose of inspection and inventory of any dogs and cats at the facility, including those roaming the property, confined to enclosures, and housed within the residence or outbuildings;
- D. Ordering Defendant to provide personnel or inspectors from the Missouri Department of Agriculture's Animal Care Program access for inspections to ascertain the condition of any animals at the Facility and undertake any subsequent inspections;
- E. Setting a preliminary injunction hearing within ten days of the date of the Temporary Restraining Order, as required by Rule 92.02(b).

- E. Assessing against Defendant all costs of this proceeding;
- F. Granting such further relief that is just and proper.

Respectfully submitted,

ERIC SCHMITT
Attorney General

/s/ Amanda R. Langenheim
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was mailed,
postage prepaid, by U.S. Mail, this 15th day of May 2020, to:

Angela Noland
58758 Jasmine Rd.
Unionville, Missouri 63565

Danny Noland
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Livonia, Missouri 63551

/s/ Amanda Langenheim
Amanda Langenheim
Assistant Attorney General